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Compilation on Finland

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. Finland had contributed financially to the Office of the United Nations High Commissioner for Human Rights since 2012.[3]

3. In 2016, the Committee against Torture invited Finland to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.[4]

4. In 2014, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women encouraged Finland to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.[5] The Committee on Economic, Social and Cultural Rights also urged Finland to speed up the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

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5. In 2013, the Human Rights Committee regretted that Finland had maintained its reservations to the International Covenant on Civil and Political Rights, particularly those to articles 14 (7) and 20 (1).[6]

6. In 2012, the Committee on the Elimination of Racial Discrimination encouraged Finland to expedite the ratification of the ILO Indigenous and Tribal Peoples Convention, (1989) No. 169.[7]

III. National human rights framework[8]

7. While welcoming the establishment of a national human rights institution, the Committee on the Elimination of Racial Discrimination was concerned that the relevant legislation did not clearly articulate the relationship among its three components, namely the Human Rights Centre, the Parliamentary Ombudsman and the Human Rights Delegation.[9] The Committee on Economic, Social and Cultural Rights recommended that Finland ensure that the national human rights institution was provided with adequate resources to effectively and independently carry out its mandate, including the promotion and protection of economic, social and cultural rights.[10]

8. While taking note of the draft law that would replace the Ombudsman for Minorities with a new ombudsman for equal treatment, the Committee on the Elimination of Discrimination against Women was concerned about the lack of specific institutions for the advancement of women and gender equality, in addition to the insufficient resources allocated to existing mechanisms such as the Ombudsman for Equality, which monitored and supervised the Act on Equality between Women and Men.[11]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[12]

9. The Committee on the Elimination of Racial Discrimination remained concerned that section 2 of the Non-Discrimination Act, which, as amended by Act No. 84/2009, specified that the Act applied to discrimination on the grounds of ethnic origin in connection with housing, other movable property or services on the general market for the public, with the exception of private transactions, could be interpreted as permitting discrimination on the grounds of ethnicity in private transactions, in contravention of the International Convention on the Elimination of All Forms of Racial Discrimination.[13] The Committee on Economic, Social and Cultural Rights was concerned that, despite the proposed amendments to the legal framework for non-discrimination aimed at extending protection to all grounds of discrimination, the institutional framework to monitor the implementation of the legal framework and to deal with complaints remained complicated and difficult to access. It recommended that Finland improve its legal and institutional frameworks for protection against discrimination by ensuring the same level of protection for all grounds of discrimination.[14]

10. The Committee on the Elimination of Discrimination against Women welcomed the proposed amendment to the Act on Equality between Women and Men, which expanded the definition of sex and gender-based discrimination to include discrimination based on gender identity and gender expression. It noted with concern that that Act and the Non-

Discrimination Act did not currently provide adequate protection to women against multiple or intersecting forms of discrimination.[15]

11. The Human Rights Committee was concerned that the current legislation on combating discrimination based on sexual orientation and gender identity was not comprehensive. It was also concerned about reports of acts of discrimination based on sexual orientation and gender identity. It recommended that Finland increase its efforts in the field of combating and eliminating discrimination on the grounds of sexual orientation and gender identity, inter alia, by implementing comprehensive legislative reform that guaranteed equal protection from discrimination on all grounds.[16]

12. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the Action Plan for Gender Equality 2012-2015 reflected the most important measures through which the Government promoted equality between women and men and combated gender-based discrimination. The Action Plan was an instrument to coordinate the gender equality policy and incorporated measures for all ministries. It was based on the government programme and the first government report on gender equality, which had been drawn up in 2010. Some of the measures planned included incorporating gender impact assessments in draft legislation and ensuring that all ministries prepared their budget proposals with reference to the gender perspective and disaggregated by gender their statistics and other data concerning people.[17]

13. In relation to the recommendations from the second cycle of the universal periodic review concerning instances of discrimination, racism and xenophobia,[18] the Office of the United Nations High Commissioner for Refugees (UNHCR) regretted that discrimination, racism and xenophobia persisted in Finland. Racist and xenophobic comments and argumentation by both private individuals and politicians had become more common, the number of attacks against reception centres and asylum seekers had increased and street patrols by a vigilante group, the Soldiers of Odin, had become commonplace. A legal framework for combating racism was in place, but there was a need to improve its implementation.[19]

2. Development, the environment, and business and human rights[20]

14. The Committee on Economic, Social and Cultural Rights recommended that Finland step up its efforts to meet the international target of allocating 0.7 per cent of gross national product to official development assistance.[21]

B. Civil and political rights

1. Right to life, liberty and security of person[22]

15. The Committee on Economic, Social and Cultural Rights was concerned that, despite the adoption of the National Action Plan to Reduce Violence Against Women, the incidence of domestic violence remained high and there was a lack of adequate support services to protect victims.[23]

16. The Committee on the Elimination of Discrimination against Women was concerned that the Criminal Code continued to define rape according to the degree of violence of the perpetrator and did not place the lack of consent of the victim at the centre of the definition; that the draft amendment to the Criminal Code continued to define abuse of authority leading to sexual intercourse as sexual abuse rather than rape, resulting, among other things, in lenient sentences for acts committed by perpetrators in institutional settings against disadvantaged persons, in particular women with disabilities; and that conviction rates for rape were proportionally lower (17.5 per cent) than those for other crimes such as assault (49.5 per cent). It called upon Finland to review the legislation on rape so as to

remove any requirement that sexual assault be committed by force or threat, and place the lack of consent at the centre of its definition; to amend the Criminal Code, chapter 20, section 1.2, on rape and section 5.1, containing provisions on sexual abuse, to ensure that the definition of rape also covered cases of non-consensual sexual acts where there was an abuse of authority, such as in cases of rape committed against women who were residents in closed institutions, and align the sanctions for such acts from a fine to the minimum sentence of imprisonment, as was the case for the commission of such acts; and to take specific measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape.[24] The Human Rights Committee made similar recommendations.[25]

17. The Committee on the Elimination of Discrimination against Women noted that Finland remained an exception in the region because neighbouring States had criminalized the demand for prostitution. It recommended pursuing steps to criminalize the demand for prostitution and taking measures to discourage such demand.[26]

2. Fundamental freedoms and the right to participate in public and political life[27]

18. UNESCO noted that in 2016, Finland had celebrated the 250th anniversary of the adoption of the first freedom of information law. The Act on the Openness of Government Activities of 1999 established the principle of openness, providing that official documents would be in the public domain unless specifically provided otherwise in that or another Act. The Act also established a process by which anyone could access any record in an authority's possession. On receipt of the request, the authority had two weeks to provide the document. If the document was withheld, the applicant could appeal to the administrative court.[28]

19. The Committee on the Elimination of Discrimination against Women commended Finland for the high percentage of women in the State's parliament (43 per cent), Government (47 per cent) and among the State's representatives in the European Parliament (62 per cent).[29] It was concerned about the low representation of Sami women in the Sami Parliament and in other political decision-making bodies.[30] It encouraged Finland to ensure that the representation of women in leadership positions in the private sector reflected the full diversity of the population and to ensure the representation of women from disadvantaged groups, such as women with disabilities, women from ethnic minorities, Roma women and migrant women in political and public life.[31]

3. Prohibition of all forms of slavery[32]

20. In relation to the recommendations from the second cycle of the universal periodic review on ensuring that women victims of trafficking were recognized as such and provided with protection and assistance, on implementing existing procedures upholding internationally recognized standards in combating trafficking in persons and conducting necessary training for law enforcement to properly identify and protect victims of trafficking, and on stepping up efforts to prevent violence against women, particularly victims of trafficking, by providing adequate protection and assistance, especially shelters, funding and staff for the shelters,[33] UNHCR noted that the Government had drafted a national action plan against human trafficking, which was to be implemented in 2016-2017. UNHCR welcomed the plan and many of its propositions, including the focus on training, awareness-raising and international cooperation. Finland had also amended its legislation, strengthening the national victims assistance system and giving it a clearer structure, which would strengthen the protection of victims and ensure their human rights and equal treatment. It had also introduced recovery time for victims and more stringent rules on victim identification.[34]

21. UNHCR added that according to civil society, some victims of trafficking were still afraid of seeking help from the authorities. In her capacity as national rapporteur on trafficking, the Ombudsman for Minorities had stated in her 2014 report to Parliament that asylum seekers in Finland who had become victims of trafficking in other States were in a problematic situation. The fact that signs of trafficking had been detected did not necessarily trigger the identification process or lead to the victim being referred to the national assistance system for victims of trafficking.[35]

22. The Committee on the Elimination of Discrimination against Women was concerned that the definitions of trafficking and pandering remained unclear and might result in the misidentification of victims of trafficking and related protection gaps. It recommended that Finland review its legislation on human trafficking and provide clear definitions of trafficking and pandering to ensure that victims were properly identified and provided with adequate protection and assistance.[36]

23. The Human Rights Committee remained concerned by the shortcomings of Finland in identifying women victims of trafficking. It recommended that Finland continue its efforts to combat trafficking in human beings and consider amending its laws to ensure that victims of human trafficking, particularly female victims of sexual abuse and exploitation, were identified as such in order to provide them with appropriate assistance and protection.[37]

24. The Committee on the Elimination of Discrimination against Women was concerned that victims of trafficking and exploitation of prostitution might be reluctant to report such exploitation to the authorities for fear of being deported under the State party's Aliens Act. It recommended that Finland assess the risk of deportation for victims of trafficking under the Aliens Act and amend the Act where necessary.[38]

25. The Committee against Torture was concerned that victims of trafficking in Finland did not always receive adequate protection and recognition. It was concerned that the identification of and support provided to persons trafficked for the purpose of sexual exploitation was linked to criminal proceedings and that a recovery period was granted only to nationals and residents of the State party.[39] It recommended that Finland implement international and domestic anti-trafficking legislation, develop an integrated and coordinated counter-trafficking framework, take effective measures to prevent and eradicate human trafficking, and draft guidelines and provide specialized training to law enforcement, immigration and other public officials who came into contact with victims of trafficking on identifying victims and on investigating, prosecuting and sanctioning perpetrators.[40]

4. Right to privacy and family life

26. The Committee on the Elimination of Discrimination against Women was concerned that the current property system, which encouraged couples to enter into marriage settlements stipulating the separation of property, might compromise the economic situation of women following divorce. It recommended that Finland re-examine the matrimonial system that encouraged separation of property.[41]

27. The same Committee was also concerned that pension rights and other work-related benefits, in addition to future earning capacity, were not considered part of matrimonial property when marital right was being claimed, which might lead to a disadvantaged economic position for women following separation or divorce. It recommended that Finland consider revising the definition of matrimonial property so that a marital right would include pension rights and other work-related benefits, in addition to future earnings.[42]

28. The same Committee was further concerned that the issue of domestic violence was not taken into consideration when deciding on the custody of children upon divorce. It recommended that Finland ensure that domestic violence was a factor that was systematically considered in child custody decisions.[43]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[44]

29. The Committee on the Elimination of Discrimination against Women took note of the Equal Pay Programme, which had aimed to reduce the gender pay gap to 15 per cent by 2015, and the strengthening of the practice of pay surveys within the context of the equality plan.[45] The Committee on Economic, Social and Cultural Rights noted with concern the persistent gender-based segregation of occupations and sectors, which was the main cause of the continuing gender-based wage gap. It recommended that Finland eliminate the persistent gender pay gap by addressing the significant vertical and horizontal gender-based segregation in the labour market.[46] It also recommended that Finland redouble its efforts to implement the principle of equal pay for work of equal value, including through the further development of the Equal Pay Programme.[47] The Human Rights Committee made similar recommendations.[48]

30. The Committee on Economic, Social and Cultural Rights noted that, despite the adoption of the Youth Guarantee scheme and its implementation plan, the unemployment rate among young people remained significantly high. It was concerned about the increasing rate of long-term unemployment in Finland.[49]

2. Right to an adequate standard of living

31. The same Committee was concerned about the inadequacy of the minimum levels of the basic social assistance and the sickness and old-age benefits. It recommended that Finland ensure that the minimum level of social benefits was sufficient to cover the real costs of living.[50]

3. Right to health[51]

32. The Committee on the Elimination of Discrimination against Women noted with concern the increase in cases of depression, eating disorders, substance abuse, alcohol-related diseases and suicide among women and girls in Finland. It recommended that Finland address the deteriorating mental health situation of young women and girls and prevent and address the abuse of alcohol and drugs, in addition to suicide, including through awareness-raising and educational campaigns targeted at adolescent girls, particularly in the media.[52]

33. The same Committee was concerned about the obligation on transgender persons to prove infertility or undergo sterilization for the legal recognition of their gender under the Law on Legal Recognition of the Gender of Transsexuals of 2002. It recommended that Finland expeditiously amend that Law in order to ensure that gender recognition was carried out without requiring transgender persons to conform to stereotypical ideas of masculine or feminine appearance or behaviour and that it did not require individuals to consent to sterilization.[53]

4. Right to education

34. The Committee on the Elimination of Racial Discrimination was concerned that, while about 70 per cent of Sami-speaking children lived outside the Sami homeland, mainly in the Helsinki area, Rovaniemi and Oulu, the right of the Sami to receive early childhood

education in the Sami language was recognized only in the Sami homeland. It was also concerned at the fact that social and health services were not effectively guaranteed to Sami peoples in their languages. It recommended that Finland ensure that all Sami children throughout the territory of the State effectively receive education in their own languages, including by training more teachers in Sami languages.[54]

35. While noting the reduction of bullying in schools achieved through the KiVa programme and the efforts of Finland to reduce negative stereotyping of Roma through rap music television campaigns aimed at young people, the Committee on the Elimination of Racial Discrimination remained concerned at the persistence of bullying of Roma children and immigrant children in schools. It recommended that Finland continue to strengthen its efforts to protect Roma children and immigrant children from bullying in schools.[55]

36. UNESCO noted that Ministry of Education and Culture decree No. 1777/2009 determined the grounds for subsidizing supplementary instruction provided for children with foreign, Sami or Roma backgrounds in basic education and upper secondary education. If an educational institution did not arrange mother tongue instruction for foreign, Sami or Roma language pupils, as laid down in the Basic Education Act, a separate subsidy could be granted under that decree to arrange instruction in the pupil's mother tongue.[56] The national core curriculum for pre-primary and basic education had been renewed in 2014 in a process involving all stakeholders, particularly education providers and education personnel, and parents and pupils had been encouraged to participate. New local curricula based on the renewed core curriculum would gradually be implemented in schools starting from August 2016.[57]

D. Rights of specific persons or groups

1. Women

37. The Committee on the Elimination of Discrimination against Women welcomed the Government Action Plan for Gender Equality 2012-2015, which was coordinated by the Gender Equality Unit of the Ministry of Social Affairs and Health, and the efforts to strengthen the management structures of gender mainstreaming within the Government, including through the development of a handbook to support gender equality work within Finnish ministries and the introduction of several training projects and briefings on gender mainstreaming for civil servants. It recommended that Finland provide its existing and new national institutions and bodies for the advancement of women and gender equality with adequate human, technical and budgetary resources.[58]

38. The Committee against Torture expressed concern about the prevalence of violence against women in Finland, including domestic and sexual violence, the underreporting of cases and the lack of funding allocated to tackle it. It was also concerned that rape continued to be categorized according to the degree of physical violence and not the lack of consent, by the reported lack of sufficient support to victims, including specialized services, and at the absence of a sufficient number of shelters for victims of violence and their children.[59]

2. Children[60]

39. UNHCR recommended that Finland strengthen further the identification of victims of trafficking, including women and children, in the asylum procedure; adopt procedures for the determination of the best interests of child victims of trafficking and children of victims; and apply age, gender, diversity and participatory approaches to its anti-trafficking work.[61]

40. Referring to the recommendation from the second cycle of the universal periodic review on applying alternative measures to the detention of asylum seekers and irregular immigrants, including children and other vulnerable people, and establishing a mechanism to examine the practice,[62] UNHCR noted that, on 15 April 2016, the Government had presented a draft amendment to the Aliens Act (No. 301/2004) introducing two alternative measures to detention: directed residence (with reporting conditions) and home curfew for children. The aim of the proposal was to improve the efficiency of the asylum procedure and ensure the removal of rejected asylum seekers from the country. With the proposed control measures, the Government also aimed to improve preparations for the administration of larger numbers of asylum seekers. The draft amendment also sought to limit the use of detention for children and persons with specific needs.[63]

41. The United Nations Children's Fund (UNICEF) recommended that Finland assess how different amendments to the Aliens Act had affected children, and give special consideration to implementing the right to family reunification, taking into consideration the introduction of income requirements and their effect on children, especially unaccompanied minors. It recommended that Finland expedite the necessary legislative changes based on that assessment, speed up procedures and make it easier for children to reunite with their families, and pursue all practical measures to reunify children with their families.[64]

42. UNICEF recommended that, while respecting the autonomy of Finnish universities, which was guaranteed by law, child rights education should be incorporated into the curricula of all teacher training and efforts should be made to ensure that teachers had the necessary skills to implement the national curricula. It also recommended that Finland provide people working with children and young people with education on child rights in order to enable them to implement those rights in their work. In addition, it urged Finland to provide training on the rights of the child to public officials and civil servants at the regional and local levels.[65]

43. The Committee against Torture was concerned that children were held with adult prisoners in places of detention, and recommended that Finland take steps to separate juvenile detainees from adults in all places of detention, bearing in mind their best interests, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.[66]

3. Persons with disabilities[67]

44. The Committee on Economic, Social and Cultural Rights was concerned that discrimination against persons with disabilities was widespread in Finland, particularly in the field of employment. It recommended that Finland promote opportunities for productive and remunerated employment in the labour market for persons with disabilities, including through the application of employment quotas for persons with disabilities, both in the public and private sectors. It also recommended that Finland include the prohibition of disability-based discrimination in the new non-discrimination act being considered in the State.[68]

45. UNESCO noted that a programme entitled "Preparatory education for work and independent life" had been established for the preparatory and rehabilitative education and supervision of students with the most severe disabilities. It was aimed at people who, because of an illness or disability, did not have the opportunity to partake in education leading to qualifications. The objective was to provide those students with special education and supervision in accordance with their personal aims and capabilities.[69]

46. The Committee on the Elimination of Discrimination against Women was concerned about the legal provisions that allowed sterilization and contraception treatments for women with mental disabilities upon consent of a third party legal representative if a woman was deemed incapable of giving her consent.[70] The Committee on Economic, Social and Cultural Rights recommended that Finland effectively ensure that safeguards for the rights of women and girls with disabilities were adequately protected. It encouraged the State to develop a model for support in the decision-making process with regard to their right to sexual and reproductive health.[71]

47. The Committee on the Elimination of Discrimination against Women was concerned that women with disabilities suffered from multiple forms of discrimination, including with regard to access to education, employment, health care and participation in political life. It was also concerned that the scope of the Non-Discrimination Act was wider for discrimination based on ethnic origin than for discrimination based on disability with regard to housing, social welfare, social security, health care and other public services.[72]

4. Minorities and indigenous peoples[73]

48. While welcoming the implementation of the National Policy on Roma, the Committee on Economic, Social and Cultural Rights was concerned about the lack of specific measures to address the persistent discrimination faced by other minorities.[74] The Human Rights Committee recommended that Finland take active measures, including improving legislation, to prevent discrimination against the Roma.[75] The Committee on the Elimination of Racial Discrimination made similar recommendations.[76]

49. The Committee on Economic, Social and Cultural Rights noted with concern that the variety of Sami languages was decreasing and some of them were at risk of extinction. It urged Finland to ensure the effective implementation of the national programme for the revitalization of Sami languages, including by allocating adequate resources and increasing the number of teachers.[77]

50. While noting that Finland had established, in August 2012, a working group to revise the Sami Parliament Act, the Committee on the Elimination of Racial Discrimination was concerned that the Sami Parliament still had very limited decision-making power on issues relating to the cultural autonomy of the Sami peoples, including rights relating to land and resources used.[78] The Committee on Economic, Social and Cultural Rights regretted the lengthy process in the recognition of the Sami peoples' rights to use their land and to pursue their traditional livelihoods within their homeland. It recommended that Finland adopt the necessary legislative and administrative measures to fully and effectively guarantee the Sami peoples' rights to own their land and freely dispose of their natural wealth and resources.[79] The Human Rights Committee recommended that Finland advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami Parliament.[80]

51. The Committee on Economic, Social and Cultural Rights was concerned about the lack of adequate measures to address the adverse effects of climate change on the Sami peoples and to ensure that logging and other activities carried out by private entities did not negatively affect the enjoyment of their economic, social and cultural rights. It recommended that Finland adopt appropriate measures to address the adverse effects of climate change on the Sami peoples' land and resources.[81]

5. Migrants, refugees, asylum seekers and internally displaced persons[82]

52. UNHCR noted that the unexpected increase in the number of asylum seekers in 2015 had led the Government to take a series of restrictive measures. On 8 December 2015, an 80-point action plan had been published with the short-term aim of "stemming the

uncontrolled influx of asylum seekers" into the country. The most notable points, which had led to amendments of the relevant legislation in 2016, included the abolishment of "humanitarian protection" as a national protection category, restrictions on family reunification and restrictions on legal aid for asylum seekers. Changes would also be made to the appeals process, including through restrictions on appeals to the Supreme Court, restrictions on submitting supplementary information to the court and reductions in the appeal period. UNHCR regretted that some of the amendments, while staying within minimum safeguards, restricted current good practices in Finland.[83]

53. The Committee on the Elimination of Racial Discrimination was concerned that anti-immigrant sentiment had been increasing in Finland.[84] The Committee on Economic, Social and Cultural Rights was concerned that discrimination against persons with immigrant backgrounds and against members of minorities, such as Russian-speakers, Roma and Somali, persisted in Finland, particularly in the fields of employment, education, health care and housing. It recommended that Finland intensify its efforts to prevent and combat the persistent discrimination against persons with immigrant backgrounds.[85]

54. The Human Rights Committee was concerned at the accelerated asylum procedure established under the Aliens Act, which provided for an extremely short time frame for asylum applications to be thoroughly considered and for the applicant to properly prepare his or her case. It was also concerned that appeals under the accelerated procedure did not have automatic suspensive effect. It recommended that Finland ensure that all persons in need of protection received appropriate and fair treatment in all asylum procedures and that appeals under the accelerated asylum procedure had a suspensive effect.[86]

55. The Human Rights Committee reiterated its concern that the Metsälä detention centre, the only detention unit for asylum seekers and irregular migrants in Finland, was frequently overcrowded and many such individuals, including unaccompanied or separated children, pregnant women and persons with disabilities, were placed in police detention facilities for prolonged periods of time. It recommended that Finland use alternatives to detaining asylum seekers and irregular migrants whenever possible.[87] The Committee on the Elimination of Racial Discrimination made similar recommendations.[88]

56. UNHCR was concerned that the grounds governing the use of directed residence were not sufficiently circumscribed, and that directed residence could potentially be applied to a large number of asylum seekers and lacked predictability. There was therefore a risk that directed residence could be used, rather than as an alternative to detention, as an alternative to "open" reception, in order to manage asylum seekers during the various stages of the asylum process. As legislative amendments sought to introduce a real alternative to detention for unaccompanied and separated children seeking asylum, there was, in the view of UNHCR, no longer a need for Finland to continue the detention of such children. In 2016, Parliament had adopted amendments to the Aliens Act providing that periodic court reviews of detention decisions would no longer be automatic, and would depend on a request from the detained individual. In the view of UNHCR, as a minimum procedural guarantee, asylum seekers had the right to be brought promptly before a judicial or other independent authority to have a detention decision reviewed. The review should ideally be automatic and take place in the first instance within 24 to 48 hours after the initial decision.[89]

57. UNHCR remained concerned that the provision of basic human rights, such as holding a hearing on the legality of a person's detention, was subject to the request of the concerned individual.[90]

6. Stateless persons

58. UNHCR noted that Finnish legislation on nationality was comprehensive in terms of preventing statelessness through the acquisition of nationality by descent, granting nationality to stateless children born in Finland and preventing statelessness upon loss, renunciation and deprivation of Finnish nationality. Particularly commendable was the automatic granting of Finnish nationality to children born in Finland who would otherwise be stateless regardless of their residence status in Finland. However, certain gaps existed with regard to determining statelessness, ensuring that stateless persons could enjoy the rights to which they were entitled, registering persons with "unknown" nationality, or variations thereof, and the maintenance of data and statistics. While Finland had a well-functioning procedure for the determination of citizenship status in which a person's nationality, or lack thereof, could be verified, it could not currently result in the granting of the status of a stateless person. The determination of citizenship status procedure could thus be developed into a full-fledged statelessness determination procedure, which could lead to the granting of the status of a stateless person, and the issuance of a residence permit and access to the rights set out in the 1954 Convention relating to the Status of Stateless Persons. In regard to registration and maintenance of data, through its Mapping of Statelessness in Finland exercise, UNHCR had found some inconsistencies in the way persons were registered as being of "unknown nationality", or variations thereof, in the Population Information System and Register of Aliens. Finland maintained a number of reservations to the 1954 Convention: one general reservation with regard to more favourable treatment for nationals of the other Nordic countries and reservations to articles 7 (2), 8, 12 (1), 24 (1), 25 and 28. The Mapping of Statelessness in Finland exercise had revealed that some of the reservations might no longer be relevant in the light of developments following the State's accession in 1968 to the 1954 Convention, and the current nationality legislation.[91]

59. UNHCR recommended that the Government introduce a full-fledged statelessness determination procedure that could lead to the granting of the status of a stateless person, the issuance of a residence permit and enjoyment of the rights set out in the 1954 Convention; review its reservations to the 1954 Convention with a view to lifting them; and harmonize the definitions used when registering persons' nationality or lack thereof.[92]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Finland will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/FISession27.aspx.
[2] For relevant recommendations, see A/HRC/21/8, paras. 89.1-89.9, 90.1 and 91.1.
[3] OHCHR, "Donor profiles", in *OHCHR Report 2015*, p. 106.
[4] See CAT/C/FIN/CO/7, para. 35.
[5] See E/C.12/FIN/CO/6, para. 31, and CEDAW/C/FIN/CO/7, para. 43.
[6] See CCPR/C/FIN/CO/6, para. 4.
[7] See CERD/C/FIN/CO/20-22, para. 19.
[8] For relevant recommendations, see A/HRC/21/8, paras. 89.10-89.13, 89.38, 89.41-89.46 and 90.9-90.12.
[9] See CERD/C/FIN/CO/20-22, para. 8.
[10] See E/C.12/FIN/CO/6, para. 7.
[11] See CEDAW/C/FIN/CO/7, para. 12.
[12] For relevant recommendations, see A/HRC/21/8, paras. 89.14-89.25 and 90.2-90.8.
[13] See CERD/C/FIN/CO/20-22, para. 9.
[14] See E/C.12/FIN/CO/6, para. 11.
[15] See CEDAW/C/FIN/CO/7, para. 10.
[16] See CCPR/C/FIN/CO/6, para. 8.
[17] See UNESCO submission for the universal periodic review of Finland, para. 37.
[18] See A/HRC/21/8, paras. 89.17-89.25 and 89.39-89.41 (Algeria, Chile, Egypt, Hungary, Islamic Republic of Iran, Morocco, Namibia, State of Palestine, Portugal and Spain).
[19] UNHCR submission for the universal periodic review of Finland, p. 6.
[20] For the relevant recommendation, see A/HRC/21/8, para. 89.51.
[21] See E/C.12/FIN/CO/6, para. 8.
[22] For relevant recommendations, see A/HRC/21/8, paras. 89.29-89.32 and 90.24.
[23] See E/C.12/FIN/CO/6, para. 22.
[24] See CEDAW/C/FIN/CO/7, paras. 18-19.
[25] See CCPR/C/FIN/CO/6, para. 7.
[26] See CEDAW/C/FIN/CO/7, paras. 20-21.
[27] For relevant recommendations, see A/HRC/21/8, paras. 89.39-89.40.
[28] See UNESCO submission, para. 51.
[29] See CEDAW/C/FIN/CO/7, para. 22.
[30] Ibid., para. 36.
[31] Ibid., para. 23.
[32] For relevant recommendations, see A/HRC/21/8, paras. 89.33-89.34.
[33] See A/HRC/21/8, paras. 89.33 (Slovenia and United Kingdom of Great Britain and Northern Ireland), 89.34 (United States of America) and 90.14 (Thailand).
[34] UNHCR submission, p. 3.
[35] Ibid., p. 4.
[36] See CEDAW/C/FIN/CO/7, paras. 20-21.
[37] See CCPR/C/FIN/CO/6, para. 9.
[38] See CEDAW/C/FIN/CO/7, paras. 20-21.
[39] See CAT/C/FIN/CO/7, para. 30.
[40] Ibid., para. 31.
[41] See CEDAW/C/FIN/CO/7, paras. 38-39.
[42] Ibid.
[43] Ibid.
[44] For the relevant recommendation, see A/HRC/21/8, para. 90.20.
[45] See CEDAW/C/FIN/CO/7, para. 26.
[46] See E/C.12/FIN/CO/6, para. 15.
[47] Ibid., para. 18.
[48] See CCPR/C/FIN/CO/6, para. 6.
[49] See E/C.12/FIN/CO/6, para. 16.

[50] Ibid., para. 20.
[51] For relevant recommendations, see A/HRC/21/8, paras. 89.20 and 90.23.
[52] See CEDAW/C/FIN/CO/7, paras. 28-29.
[53] Ibid.
[54] See CERD/C/FIN/CO/20-22, para. 14.
[55] Ibid., para. 17.
[56] See UNESCO submission, para. 9.
[57] Ibid., para. 18.
[58] See CEDAW/C/FIN/CO/7, paras. 12-13.
[59] See CAT/C/FIN/CO/7, para. 28.
[60] For relevant recommendations, see A/HRC/21/8, paras. 89.26, 89.55 and 90.21.
[61] USHCR submission, pp. 4-5.
[62] For the relevant recommendation, see A/HRC/21/8, para. 89.48 (Uruguay).
[63] USHCR submission, p. 5.
[64] UNICEF submission for the universal periodic review of Finland, p. 3.
[65] Ibid., pp. 5-6.
[66] See CAT/C/FIN/CO/7, paras. 18-19.
[67] For the relevant recommendation, see A/HRC/21/8, para. 90.23.
[68] See E/C.12/FIN/CO/6, para. 13.
[69] See UNESCO submission, para. 42.
[70] See CEDAW/C/FIN/CO/7, para. 28.
[71] See E/C.12/FIN/CO/6, para. 26.
[72] See CEDAW/C/FIN/CO/7, para. 32.
[73] For relevant recommendations, see A/HRC/21/8, paras. 89.24-89.25.
[74] See E/C.12/FIN/CO/6, para. 12.
[75] See CCPR/C/FIN/CO/6, para. 17.
[76] See CERD/C/FIN/CO/20-22, para. 15.
[77] See E/C.12/FIN/CO/6, para. 29.
[78] See CERD/C/FIN/CO/20-22, para. 11.
[79] See E/C.12/FIN/CO/6, para. 9.
[80] See CCPR/C/FIN/CO/6, para. 16.
[81] See E/C.12/FIN/CO/6, para. 9.
[82] For relevant recommendations, see A/HRC/21/8, paras. 89.47-89.50.
[83] USHCR submission, pp. 1-2.
[84] See CERD/C/FIN/CO/20-22, para. 16.
[85] See E/C.12/FIN/CO/6, para. 12.
[86] See CCPR/C/FIN/CO/6, para. 15.
[87] Ibid., para. 10.
[88] See CERD/C/FIN/CO/20-22, para. 18.
[89] USHCR submission, p. 5.
[90] Ibid.
[91] Ibid., p. 9.
[92] Ibid.